

HARRY F. COLE
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
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JEFFREY J. GEE
KEVIN M. GOLDBERG*
FRANK R. JAZZO
M. SCOTT JOHNSON
MITCHELL LAZARUS
STEPHEN T. LOVELADY*
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HARRY C. MARTIN
FRANCISCO R. MONTERO
PATRICK A. MURCK
LEE G. PETRO*
RAYMOND J. QUIANZON
MICHAEL W. RICHARDS*
JAMES P. RILEY
KATHLEEN VICTORY
HOWARD M. WEISS
RONALD P. WHITWORTH

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400

FAX: (703) 812-0486

www.fhhlaw.com

RETIRED MEMBERS
RICHARD HILDRETH
GEORGE PETRUTSAS
CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U. S. AMBASSADOR (ret.)

OF COUNSEL
DONALD J. EVANS
EDWARD S. O'NEILL*
ROBERT M. GURSS*

WRITER'S DIRECT

(703) 812-0432
discipio@fhhlaw.com

*NOT ADMITTED IN VIRGINIA

July 10, 2007

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
Portals II, Filing Counter TW-A325
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Comments in MB Docket No. 87-268

Dear Ms. Dortch:

Christian Faith Broadcast, Inc. ("Christian Faith") files these *ex parte* comments in furtherance of its efforts to secure post-digital transition operation of WGGN-DT/11027, Sandusky, Ohio. Christian Faith has filed *ex parte* comments in this proceeding on April 19, 2007 (following a meeting with the staff at the staff's request) and on May 29, 2007.

By way of background, WGGN-DT was granted a permit to operate at 1000 kilowatts on November 26, 2002 (File No. BMPCDT-20000501AIZ). In granting the permit, the staff properly found that Christian Faith's proposed facilities met the applicable 2.0 percent interference standard contained in 73.623(c)(2) of the rules. Through no fault of its own, Christian Faith did not timely file a pre-election certification on FCC Form 381 specifying the maximized facilities authorized by its digital construction permit. On March 3, 2006, the staff granted Christian Faith a waiver to allow the construction of authorized maximized facilities ("Waiver")¹. The Seventh Further Notice of Proposed Rulemaking in the Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service ("SFNPRM") noted that nine stations filed requests to accept late filed certifications.² Christian Faith filed comments

¹ Letter from Barbara A. Kreisman, Chief, Video Division to Christian Faith Broadcast, Inc., DA 06-519 (rel. March 3, 2006 (the "Waiver")).

² Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Seventh Further Notice of Proposed Rulemaking, 21 FCC Rcd 12100 (2006) at note 60.

in response to the SFNPRM in part because the SFNPRM did not reflect that Christian Faith's request to accept the late-filed FCC Form 381 was granted and Appendix B to the SFNPRM did not properly reflect its post-transition facilities.³

In the meeting on April 19, 2007, undersigned counsel understood that everyone in attendance agreed that, had Christian Faith timely filed its FCC Form 381, then WGGN-DT could without question operate its maximized digital facilities post-transition. As Christian Faith has consistently urged, the Waiver in effect placed Christian Faith in precisely the position it would have been in had it timely filed its Form 381 – in other words, WGGN-DT should be permitted to operate with maximized facilities. Christian Faith has also noted that, even if Christian Faith were arguably to be deemed subject to the more stringent 0.1 percent interference standard because of the late filing of its Form 381, the Commission has expressly indicated, in the SFNPRM, 21 FCC Rcd at 12109, that waivers of that more stringent limit would be granted to “promote our overall spectrum efficiency objectives and ensure the best possible service to the public, including service to local communities.” In Christian Faith's view, Christian Faith – as an independent religious broadcaster and wholly-owned subsidiary of a non-profit organization – surely meets that waiver standard, since maximized digital operation will permit WGGN-DT to fully serve the Cleveland-Akron DMA, promoting diversity of service and competition.

Christian Faith understands that the staff may disagree with this position and therefore is not inclined to include the WGGN-DT maximized facilities of 1,000 kilowatts in the DTV Table of Allotments since it is apparently the staff's view that WGGN-DT is subject to the 0.1 percent interference limit notwithstanding the Waiver. While Christian Faith continues to believe that such a limitation is inconsistent with the Waiver, Christian Faith hereby advises the Commission that, in the interest of minimizing uncertainty and maximizing WGGN-DT's ability to move forward promptly with its transition to digital operation, Christian Faith respectfully requests that the DTV Table of Allotments be modified to reflect operation of WGGN-DT with power of 700 kilowatts (and all other technical parameters otherwise unchanged). As demonstrated by the attached engineering Statement of Roy P. Stype, III, operation at 700 kilowatts will cause no more than 0.1 percent new interference, thereby meeting the 0.1 percent new interference standard.

In making this request, Christian Faith reserves the right to seek increased facilities as such future time as such facilities may be deemed available.

Accordingly, Christian Faith Broadcast, Inc. respectfully requests that the post-transition DTV Table of Allotments be revised to specify for WGGN-DT an effective radiated power of 700 kilowatts.

³ Comments of Christian Faith Broadcast, Inc. in MB Docket No. 87-268 filed January 25, 2007.

FLETCHER, HEALD & HILDRETH, P.L.C.

Marlene H. Dortch

July 10, 2007

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Please direct any questions regarding this matter to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph M. Di Scipio". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joseph M. Di Scipio

Counsel to Christian Faith Broadcast, Inc.

cc (via email): Monica Desai, Chief, Media Bureau

Eloise Gore, Assistant Division Chief, Policy Division, Media Bureau

ENGINEERING STATEMENT IN
SUPPORT OF EX PARTE
COMMENTS - MB DOCKET 87-268
WGGN-DT - SANDUSKY, OH
Christian Faith Broadcast, Inc.
Sandusky, OH

July 10, 2007

Prepared for: Mr. Clyde R. Yost, Jr.
Christian Faith Broadcast, Inc.
3809 Maple Avenue
Castalia, OH 44824

CARL E. SMITH CONSULTING ENGINEERS

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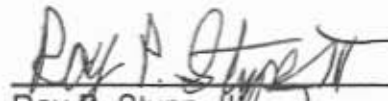
Table 1.0 - OET 69 Interference Studies - WPMY-DT - Pittsburgh, PA
(Licensed Facilities)

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)


Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Christian Faith Broadcast, Inc. to prepare the attached "Engineering Statement In Support of Ex Parte Comments - MB Docket 87-268 - WGGN-DT - Sandusky, OH."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on **July 10, 2007**.



Notary Public

/SEAL/

NANCY A. ADAMS, Notary Public
Residence - Cuyahoga County
State Wide Jurisdiction, Ohio
My Commission Expires Sept. 20, 2010

ENGINEERING STATEMENT

This engineering statement is prepared on behalf of Christian Faith Broadcast, Inc. ("WGGN"), licensee of WGGN-TV - Sandusky, Ohio and permittee of paired DTV station WGGN-DT. It supports ex parte comments in response to the *Seventh Further Notice of Proposed Rulemaking* ("FNPRM") in MB Docket 87-268.

WGGN-DT presently holds a construction permit (BMPCDT-20000501AIZ) which specifies maximized operating facilities. This construction permit authorizes operation on Channel 42 with a maximum effective radiated power of 1000 kilowatts, using a directional antenna, at 212.8 meters above average terrain. Although WGGN-DT inadvertently failed to timely file a pre-election certification on FCC Form 381 specifying the maximization facilities authorized by this construction permit, the Commission did grant WGGN-DT's Petition to Accept Late Filed FCC Form 381 protecting the facilities authorized in the construction permit. The FNPRM in this proceeding, however, proposes post-transition operation for WGGN-DT with replication facilities (50 kilowatts ERP at 236 meters above average terrain).

Pursuant to Paragraph 28 of this FNPRM, WGGN filed comments in this proceeding requesting that the proposed post-transition allotment for WGGN-DT be revised to specify the maximized facilities authorized by the above referenced construction permit. These comments included the results of detailed studies utilizing the methodology outlined in OET Bulletin 69 which showed that these proposed modifications to the WGGN-DT post-transition facilities would only result in additional interference to the proposed post-transition DTV allotment for one other station. This station is WPMY-DT

- Pittsburgh, Pennsylvania,¹ whose proposed post-transition DTV allotment specifies operation on Channel 42 with its presently licensed DTV facilities. These comments showed that such interference would be predicted to only 0.14% of the population predicted to receive post-transition DTV service from WPMY-DT which, when rounded to the nearest 0.1%, complies with the 0.1% new interference limit applicable to the channel election process.

The FCC's calculations, however, found that the WGGN-DT construction permit facilities would be predicted to cause new interference of 0.17% to WPMY-DT.² Based on further calculations, it appears that this predicted interference, as calculated by the FCC, can be reduced to comply with the 0.1% no new interference standard by reducing the maximum effective radiated power for the facilities authorized by the WGGN-DT construction permit from 1000 kilowatts to 700 kilowatts. Table 1.0 details the results of these interference studies for WPMY-DT with the WGGN-DT construction permit facilities modified to reduce the maximum effective radiated power to 700 kilowatts.³ As shown in this table, this reduction in power reduces the predicted interference to WPMY-DT to 0.10%, which not only complies with the no interference criteria utilized for the channel election process but should also, when rounded to the nearest 0.1%, provide adequate tolerance to comply even considering the minor differences found between WGGN's interference calculations and the FCC's interference calculations.

¹No new interference would be predicted to the proposed post-transition facilities for any other station to which WGGN-DT must provide protection consideration.

²These differences are apparently the result of very minor differences in the results of these interference calculations when the calculation software is implemented on different computers under different operating systems.

³No other changes were made in the technical facilities authorized by the WGGN-DT construction permit.

TABLE 1.0

OET 69 INTERFERENCE STUDIES
 WPMY-DT - PITTSBURGH, PA
(LICENSED FACILITIES)
 Christian Faith Broadcast, Inc.
 Sandusky, OH

STATION BEING STUDIED

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
WPMY-DT	Pittsburgh, PA	42	DTV	Licensed	BLCDT-20060608AAB

STATIONS CONSIDERED IN STUDIES

<u>Call</u>	<u>Location</u>	<u>Channel</u>	<u>Mode</u>	<u>Status</u>	<u>File Number</u>
WUAB	Lorain, OH	43	NTSC	Licensed	BLCT-20020517AAH
WPBO	Portsmouth, OH	42	NTSC	Licensed	BLET-19930707KE
WVPY	Front Royal, VA	42	NTSC	Licensed	BLET-19961015KF
WMPT-DT	Annapolis, MD	42	DTV	Allotment	
WKBN-DT	Youngstown, OH	41	DTV	CP	BPCDT-19991025ACU
WPGH-DT	Pittsburgh, PA	43	DTV	Licensed	BLCDT-20021216AAT
WCVE-DT	Richmond, VA	42	DTV	Licensed	BLCDT-20050606AHG
WGGN-DT	Sandusky, OH	42	DTV	Proponent	

STUDY RESULTS FOR WGGN-DT ALLOTMENT FACILITIES

	POPULATION	AREA (sq km)
within Noise Limited Contour	3235932	25496.5
not affected by terrain losses	3085587	23527.2
lost to NTSC IX	1421	60.2
lost to additional IX by ATV	125507	1107.0
lost to ATV IX only	126850	1151.1
lost to all IX	126928	1167.1

STUDY RESULTS FOR WGGN-DT CP FACILITIES (700 KW)

	POPULATION	AREA (sq km)
within Noise Limited Contour	3235932	25496.5
not affected by terrain losses	3085587	23527.2
lost to NTSC IX	1421	60.2
lost to additional IX by ATV	128392	1199.2
lost to ATV IX only	129759	1251.4
lost to all IX	129813	1259.4

TABLE 1.0(cont'd)

OET 69 INTERFERENCE STUDIES
WPMY-DT - PITTSBURGH, PA
(LICENSED FACILITIES)

SUMMARY OF STUDY RESULTS

	With WGGN-DT <u>Allotment</u>	With WGGN-DT <u>CP (700 KW)</u>	<u>New Interference</u>
DTV Service	2,958,659	2,955,774	2,885
Percent Loss*			0.10%

*Percent Loss calculations are based on the benchmark DTV Service value of 3,000,703 from Table 1 which was released as part of a December 21, 2004 FCC Public Notice.

All population data extracted from the 2000 U. S. Census.